UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,805	02/24/2004	Yoshinobu Imoto	040894-7000	1179

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER
ADEGEYE, OLUWASEUN

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/784,805	IMOTO, YOSHINOBU
	Examiner	Art Unit
	OLUWASEUN A. ADEGEYE	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/24/2004*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 13* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 - 13* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *07/19/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some *   c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 12/16/2009 have been fully considered but they are

not persuasive.

In re page 9, applicants argue that Hintzman et al is completely silent about "a

marker indicating that the still image file is a file of a progressive JPEG format", as

claimed in the not present application. In response, the examiner respectfully disagrees.

Hintzman discloses that there are generally markers embedded in the compressed

JPEG stream. He also discloses that the markers can be START OF SCAN, START OF

IMAGE, END OF IMAGE, and RESTART markers (see column 2, lines 25 – 35).

Therefore the presence of the markers is a way for determining whether the still image

file is a file of a progressive JPEG format. Column 2, lines 32 - 35 discloses detecting

marker presence.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Um et al (US 2003/0118327 A1) in view of Ito et al (US 6,937,356 B1), St. Pierre (US

6,853,841 B1). Kubota et al (US 5,469, 272) and Hintzman et al (US 5,818,364).

As to **claim 10**, Um discloses an optical disk reproducing apparatus comprising:

a reading unit (fig. 2, 38) that reads image data recorded on an optical disk (see [38], [39] and fig. 2);

a first decoding unit (fig. 2, 34, 35) that decodes moving image data (see [38]);

a second decoding unit (fig. 2, 32, 33) that decodes still image file including still image data (see [39]);

a switching unit (fig. 2, 19, 37) that receives the image data from the reading unit, outputs the image data to the first decoding unit when the image data is the moving data, and outputs the image data to the second decoding unit when the image data is the still image data (see [38], [39] and fig. 2);

a video signal output unit (fig. 2, 30, 31) that is connected to the first decoding unit and the second decoding unit and outputs a reproduction video signal of the image data decoded by the first decoding unit or by the second decoding unit (see [38] and [39]);

Um also discloses a controller (19) but does not disclose

a header analysis unit that is disposed between the switching unit and the second decoding unit and analyzes a header of the still image file;

a control unit that determines whether or not an extension of the still image file is a predetermined extension; wherein when the control unit determines that extension of the still image file is the predetermined extension, the header analysis unit analyzes the header of the still image file and determines whether or not the still image file is a still image file that is decodable; and

reading of the still image file by the reading unit is stopped when the header

analysis unit determines that the still image file is a still image file that is not decodable.

Ito discloses a header analysis unit (fig. 15, 621) that analyzes a header of the

still image file (see column 16, lines 15 – 18, column 17, lines 3 – 7 and column 17,

lines 46 – 51).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have added the header analysis unit taught by Ito to the

apparatus of Um so that pictures can be taken or processed even during a print,

display, transmission or viewing of the pictures (see column 5, lines 43 – 50).

St. Pierre discloses a control unit that determines whether or not an extension of

the still image file is a predetermined extension; wherein when the control unit

determines that extension of the still image file is the predetermined extension, the

header analysis unit analyzes the header of the still image file that is compressed in a

decodable format within the predetermined extension (see column 6, line 64 – column

7, line 13)

St. Pierre discloses a header analysis unit that determines whether or not the still

image file is a still image file that is decodable (see column 6, line 64 – column 7, line

13).

St. Pierre discloses reading of the still image file by the reading unit is stopped

when the header analysis unit determines that the still image file is a still image file that

is not decodable (see column 6, line 64 – column 7, line 13).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have added the determining step of St. Pierre to the apparatus of

Um in view of Ito to provide a protocol facilitating the control of multiple network

attached devices by a remote control device (see column 1, lines 8 – 10).

Um in view of Ito and St. Pierre does not disclose a header analysis unit.

Kubota discloses a header analysis unit that determines whether or not the still

image file is a still image file that is decodable (column 2, lines 36 – 37 discloses a

header with ID. Column 21, line 52 – column 22, line 3 discloses determining whether a

still image file is decodable or not).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have added the header analysis unit of Kubota to the apparatus

of Um in view of Ito and St. Pierre to arrive at an apparatus in which the format is such

that the digital signals recorded on the recording medium by a function subject to

interchangeability may be distinguished from those not subject to interchangeability (see

column 3, lines 13 – 22)

Um in view of Ito ,St. Pierre and Kubota does not disclose wherein the second

determination means is configured to determine that the still image file is the still image

file that is compressed in the decodable format to the body, when a marker indicating

that the still image file is a file of a progressive JPEG format is not not present in a

range from a marker indicating an image start to a marker indicating a scan start with of

the inputted header, and in a case that a code indicating the JPEG format is not

present.

Hintzman discloses wherein the second determination means is configured to determine that the still image file is the still image file that is compressed in the decodable format to the body, when a marker indicating that the still image file is a file of a progressive JPEG format is not not present in a range from a marker indicating an image start to a marker indicating a scan start with of the inputted header, and in a case that a code indicating the JPEG format is not present (see column 2, lines 26 – 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the function of adding a marker to the still image as taught by Hintzman to the apparatus of Um in view of Ito and St. Pierre to arrive at an apparatus for data compression and decompression in still image (JPEG) and video image (MPEG) applications (see column 1, lines 6 – 10).

As to **claim 2**, Um discloses an optical disk reproducing apparatus comprising:

a body (see [22]);

reading means (fig. 2, 38) for reading image data recorded on an optical disk set in the body (see [38] and [39]);

decoding means(fig. 2, 32, 33, 34, 35) for decoding the image data read by the reading means (see [38] and [39]);

video signal output means (fig. 2, 30, 31) for outputting a reproduction video signal of the image data decoded by the decoding means (see [38] and [39]);

Um does not disclose first determination means in which when an extension of a still image file instructed to be reproduced is a predetermined extension, a header of the

still image file is analyzed and it is determined whether or not the still image file is a still

image file that is decodable in the body; and

reading stop means for stopping reading of the still image file by the reading

means when the determination means determines that the still image file is a still image

file that is not decodable in the body.

Ito also discloses first determination means that determines whether or not an

extension of the still image file is a predetermined extension (see column 17, lines 19 –

25); wherein when the control unit determines that extension of the still image file is the

predetermined extension, the header analysis unit analyzes the header of the still image

file that is compressed in a decodable format within the predetermined extension (see

column 17, lines 33 – 51).

Kubota discloses a header analysis unit that determines whether or not the still

image file is a still image file that is decodable (column 2, lines 36 – 37 discloses a

header with ID. Column 21, line 52 – column 22, line 3 discloses determining whether a

still image file is decodable or not).

Kubota also discloses reading stop means for stopping reading of the still image

file by the reading means when the determination means determines that the still image

file is a still image file that is not decodable in the body (see column 21, line 52 –

column 22, line 3).

Um in view of Ito and St. Kubota does not disclose wherein the second

determination means is configured to determine that the still image file is the still image

file that is compressed in the decodable format to the body, when a marker indicating

that the still image file is a file of a progressive JPEG format is not present in a range

from a marker indicating an image start to a marker indicating a scan start with of the

inputted header, and in a case that a code indicating the JPEG format is not present.

Hintzman discloses wherein the second determination means is configured to

determine that the still image file is the still image file that is compressed in the

decodable format to the body, when a marker indicating that the still image file is a file

of a progressive JPEG format is not present in a range from a marker indicating an

image start to a marker indicating a scan start with of the inputted header, and in a case

that a code indicating the JPEG format is not present (see column 2, lines 26 – 35).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have added the function of adding a marker to the still image as

taught by Hintzman to the apparatus of Um in view of Ito, St. Pierre and Kubota to arrive

at an apparatus for data compression and decompression in still image (JPEG) and

video image (MPEG) applications (see column 1, lines 6 – 10).

As to **claim 1**, this claim differs from claim 2 only in that the limitation "wherein

the video signal output means outputs a predetermined video signal when the

determination means determines that the still image file is the still image file that is not

decodable in the body" is additionally recited.

Kubota discloses wherein the video signal output means outputs a

predetermined video signal when the determination means determines that the still

image file is the still image file that is not decodable in the body (see column 21, lines

37 – 46).

As to **claim 6**, grounds for rejecting claim 2 apply to claim 6 in its entirety.

As to **claim 3**, Um in view of Ito and Kubota disclose the optical disk reproducing apparatus as claimed in claim 2.

Kubota discloses the video signal output means outputs a predetermined video signal when the determination means determines that the still image file is the still image file that is not decodable in the body(see column 21, lines 37 – 46).

As to **claim 4**, Ito discloses the optical disk reproducing apparatus as claimed in claim 2, wherein the predetermined extension is JPG (see column 17, lines 3 – 7 and column 21, lines 38 – 42).

As to **claim 5**, Um discloses the optical disk reproducing apparatus as claimed in claim 2, wherein the decoding means has a function of decoding moving image data compressed in MPEG2 (see [47]).

As to **claim 7**, grounds for rejecting claim 3 apply to claim 7 in its entirety.

As to **claim 8**, grounds for rejecting claim 4 apply to claim 8 in its entirety.

As to **claim 9**, grounds for rejecting claim 5 apply to claim 9 in its entirety.

As to **claim 11**, grounds for rejecting claim 3 apply to claim 11 in its entirety.

As to **claim 12**, grounds for rejecting claim 4 apply to claim 12 in its entirety.

As to **claim 13**, grounds for rejecting claim 5 apply to claim 13 in its entirety.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number

is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 -

5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

03/23/2010

/O.A/